

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

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DATE: SEPTEMBER 5, 2003

FROM: KATHLEEN ROLLINGS-McDONALD, Acting Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: **Agenda Item #7:** Request for Waiver of Individual Landowner and Registered Voter Notification Requirement for LAFCO 2900 -- Sphere of Influence Amendment for and LAFCO 2947 -- Annexation to West Valley Mosquito and Vector Control District

RECOMMENDATION:

Approve waiver of individual landowner and registered voter notification for LAFCO 2900/2947 and instruct the Acting Executive Officer to provide display ads within newspapers of general circulation and local newspapers within the area as well as posting notice with the Cities and Special Districts within the proposal area.

BACKGROUND:

This is a continued hearing on the request by the West Valley Mosquito and Vector Control District (WVMVCD) to waive the individual landowner and registered voter notification for its sphere of influence amendment and annexation proposals. This item was continued at its original hearing in March 2003 (copy of the staff report attached), and scheduled for review again at the July 16, 2003 hearing. At the July hearing, the District again requested continuance to allow for further coordination with the City of Rancho Cucamonga.

On August 4th, the District submitted its application paperwork for the following proposals:

LAFCO 2900 – Sphere of Influence Amendment (Expansion) for West Valley Mosquito and Vector Control District (area includes the balance

of the City of Ontario, the balance of the City of Montclair and its sphere of influence, and the area of the City of Rancho Cucamonga and its sphere of influence) and,

LAFCO 2947 – West Valley Mosquito and Vector Control District Annexation (balance of the City of Ontario, balance of the City of Montclair and its sphere of influence, and the City of Rancho Cucamonga)

The District at that time reiterated its request that the Commission waive the requirement to provide individual notices to registered voters and landowners within the area proposed for sphere amendment and annexation and within the ¼ mile surrounding these boundaries. The District's rationale for the request is that the cost for providing these notices is high, due to the number of notices involved, as well as the District's requirement for conducting a Prop 218 assessment ballot as a part of its annexation request. The District is asking that the Commission waive the individual notice requirement and allow for display ads to be run in newspapers of general and local circulation as permitted by state law.

Government Code Section 56157 provides the mechanism for allowing publication rather than individual notices when the number of notices required exceeds 1,000 in either category, landowner or registered voter. The staff has estimated that the number of notices to be required for these applications (if processed concurrently) would be in excess of 100,000 (landowners and registered voters). This estimate is based upon the number of parcels as identified by the District's parcel listing document (73,091 within the annexation area and 33,000 surrounding), the number of registered voters that were identified by the District at the time it began its service review, (43,000). According to the Commission's adopted fee schedule, the District would be required to provide a deposit for landowner notification of approximately \$53,045 (50¢ per parcel), and pay the charges in excess of the \$450 deposit for registered voter notice (postage alone estimated at \$11,610).

At the original March 2003 hearing on this matter, the County Vector Control Division appeared before the Commission to express its opposition to the waiver and the anticipated applications by the District. During the interim between hearings, the staffs of LAFCO, WVMVCD and County Vector Control have been working on resolving areas of concern. The County Vector Control Division does not oppose the waiver of individual notice for these applications as indicated in their correspondence dated May 30, 2003,

while awaiting the processing of the applications to respond on the service issues.

The affected Cities (Montclair, Ontario, and Rancho Cucamonga) have not expressed a position specifically on the issue of individual notice, but all have indicated support for the sphere of influence expansion. The question of their respective positions on annexation has not been resolved at this time, but will be a function of the review of the application as it is processed.

The staff supports the District's request for waiver of individual notice for the Commission's consideration of these applications on the basis that:

1. The sphere of influence expansion will allow for the continuation of the existing contract service relationships between the District and affected Cities; and,
2. The annexation application, on its own, is anticipated to require individual notice to the landowners within the area. This is on the basis that a Prop. 218 benefit assessment election will be conducted prior to the completion of the annexation.

The staff recommends that the Commission waive the requirement for individual notice to registered voters and landowners and direct the staff to provide display ads in newspapers of general circulation in the area, as required by Government Code Section 56157, include the additional requirement for publication in at least one local newspaper serving each of the affected communities, and the posting of the hearing notice with the Cities and Special Districts within the affected territory.

KRM/

Attachments:

- 1 -- Original Staff Report, dated March 11, 2003, on Waiver Request
- 2 -- Letter from County Vector Control Program dated May 28, 2003
- 3 -- Letter from City of Rancho Cucamonga dated July 29, 2003
- 4 -- Letter from City of Ontario dated July 3, 2003
- 5 -- Letter from City of Montclair dated December 18, 2002